

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

This Document Relates to Plaintiff(s)

Civil Case# \_\_\_\_\_

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**SHORT FORM COMPLAINT**

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COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

\_\_\_\_\_

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

\_\_\_\_\_

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

\_\_\_\_\_

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

\_\_\_\_\_

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

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6. Plaintiff's/Deceased Party's current state of residence:

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7. District Court and Division in which venue would be proper absent direct filing:

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8. Defendants (Check Defendants against whom Complaint is made):

- ☐ Cook Incorporated
- ☐ Cook Medical LLC
- ☐ William Cook Europe ApS

9. Basis of Jurisdiction:

- ☐ Diversity of Citizenship
- ☐ Other: \_\_\_\_\_

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

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b. Other allegations of jurisdiction and venue:

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- ☐ Günther Tulip® Vena Cava Filter
- ☐ Cook Celect® Vena Cava Filter
- ☐ Gunther Tulip Mreye
- ☐ Cook Celect Platinum
- ☐ Other:

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11. Date of Implantation as to each product:

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12. Hospital(s) where Plaintiff was implanted (including City and State):

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13. Implanting Physician(s):

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14. Counts in the Master Complaint brought by Plaintiff(s):

- ☐ Count I: Strict Products Liability – Failure to Warn
- ☐ Count II: Strict Products Liability – Design Defect
- ☐ Count III: Negligence
- ☐ Count IV: Negligence Per Se

- ☐ Count V: Breach of Express Warranty
- ☐ Count VI: Breach of Implied Warranty
- ☐ Count VII: Violations of Applicable \_\_\_\_\_ (insert State)  
Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices
- ☐ Count VIII: Loss of Consortium
- ☐ Count IX: Wrongful Death
- ☐ Count X: Survival
- ☐ Count XI: Punitive Damages
- ☐ Other: \_\_\_\_\_ (please state the facts supporting  
this Count in the space, immediately below)
- ☐ Other: \_\_\_\_\_ (please state the facts supporting  
this Count in the space, immediately below)

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15. Attorney for Plaintiff(s):

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16. Address and bar information for Attorney for Plaintiff(s):

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Respectfully submitted,

**/s/ JOHN T. KIRTLEY, III**

**John T. Kirtley, III**

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ATTORNEY FOR THE PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, a copy of the foregoing was served electronically and notice of the service of this document will be sent to all parties by operation of the Court's electronic filing system to CM/ECF participants registered to receive service in this matter. Parties may access this filing through the Court's system.

**/s/ JOHN T. KIRTLEY, III**

John T. Kirtley, III